

September 23, 2004

Ronald Freeland
Vice-President
Parsons Transportation Group
7600 Corporate Center Drive
Suite 500
Miami, Fl 33126

RE: REQUEST FOR ADVISORY OPINION 04-171

Dear Mr. Freedland:

The Ethics Commission reviewed your request for an advisory opinion at its meeting on September 22, 2004. You requested an opinion regarding any potential conflicts of interest related to your firm providing preliminary engineering services for the Miami Intermodal Center-Earlington Heights Extension.

In your request, you advised the Ethics Commission that the Department of Capital Improvements Construction Coordination(CICC) recently issued a Notice to Professional Consultants (NTPC) to perform preliminary engineering design services for the MIC/ Earlington Heights extension in accordance with Federal Transit Administration regulations. The proposed connector between the Miami Intermodal Center and the Earlington Heights Metrorail station consists of an extension to the Metrorail by approximately 2.2 miles. The required services are divided into three phases: 1) completion of the preliminary engineering design to the point required to obtain a Record of Decision and the level necessary to

prepare the Final Design approval package; 2) assisting the Miami-Dade Transit agency in preparing the Final Design approval package and securing FTA approval to enter into final design and 3) preparation of a Design, Furnish and Install Systems Contract to procure a contractor. The contract is for a length of three years.

Parsons Transportation Group is currently serving as a Prime Consultant to South Florida Regional Transportation Authority (Tri-Rail). Parsons is currently providing design and engineering/ architectural services for relocation of the Miami International Airport Tri-Rail station. The current station is located within the current MIC construction area. The design portion is the project is currently essentially complete. Parsons will continue to provide services during the construction phase as the designer of record.

The Commission found that Parsons Transportation Group may provide preliminary engineering services to the MIC/Earlington Heights Extension since the firm is not providing any services to the Miami-Dade Transit Agency and the design portion of the Tri-Rail relocation project should be completed prior to the commencement of this project.

Pursuant to Section 2-11.1(j), the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent judgment in the performance of its duties for the County. For example, a conflict exists if a contractor has overlapping responsibilities on different phases of the same project (i.e. AE on one phase of the project and serving as value engineer, CIS or CM partner on another phase of the project; supervisor or prime on one phase of the project and subcontractor on another or related phase or project). Further a conflict may exist if there are

overlapping roles or responsibilities between two related contracts. These arrangements create conflict because they lead to disclosure of confidential information and impair independent judgment by the contractor in the performance of its contractual obligations.

Parsons Transportation Group may perform preliminary engineering services because the firm should not have any overlapping design responsibilities on the two projects since the right-of-way/track alignment and configuration for both the Tri-Rail relocation and the Earlington Heights Metrorail Connector have already been determined and coordinated between Tri-Rail, FDOT and MDT. However, if any further joint work or coordination is required between the Earlington Heights extension and the Tri-Rail MIC station during the term of this agreement, the Transit Department must assume coordination responsibilities for the Earlington Heights extension.

Therefore, Parsons Transportation may provide preliminary engineering services on the MIC/Earlington Heights extension subject to the limitations contained herein.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

cc: Pam Paulk, CICC
Christopher Mazzella, Inspector General